

REMARKS

Claims 1-6 remain in this application. Claims 1-6 have been amended to clarify terms and to overcome rejections based on antecedent basis. No new matter has been introduced. Favorable reconsideration is respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. §112(2), as defined by the Examiner, for containing subject matter “which was unclear as defined in the specification in such a way as to enable one skilled in the art to understand the invention.” The Applicant respectfully traverses.

First, the Applicant is not aware of any such requirement imposed by 35 U.S.C. §112(2). A rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971) (see MPEP 2171). The content of applicant's specification is not used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention. As noted in *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979), agreement, or lack thereof, between the claims and the specification is properly considered only with respect to 35 U.S.C. §112, first paragraph; it is irrelevant to compliance with the second paragraph of that section (see MPEP 2172).

Second, the Applicant submits that the specification, along with the response dated October 20, 2003 clearly describe and define the subject matter claimed in the present invention. The interrelation among the network messenger, the information broadcasting device, event manager (or “broadcast client”) and the object are disclosed and defined in the specification (see, e.g., pages 8-14, 18 et al.). In short, an “event manager” is an interface between objects (also referred to as a “broadcast client”), a “broadcast manager” broadcasts events having unspecified destinations, “local messenger” performs one-to-one communication within a device, and a “network messenger” performs one-to-one communication between two devices through a network.

A fundamental principle contained in 35 U.S.C. §112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention

essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art. Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought (see MPEP 2173.01). Also, as MPEP 2173.02 states:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

Accordingly, the Applicant submits that the claim language satisfies the requirements of 35 U.S.C. §112(2) and that the rejection should be withdrawn.

Claims 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Mano et al.* (US Patent No. 5,793,366) Applicant respectfully traverses this rejection because the cited reference does not disclose or suggest at least the claimed features of the information broadcasting device of the present invention.

As described previously, the present invention relates to an information signal device connected to a network including an event manager for directing messages generated by objects to destinations within and outside the signal device, a network messenger for transmitting messages to a specified destination on the network, and an information broadcasting device for broadcasting messages having unspecified destinations to the network. The information broadcasting device also receives broadcast messages (sent by other signal devices connected to

the network) from the network. In this manner, messages generated by objects in the information signal device are delivered to their respective destinations without any discrimination by the objects as to whether the destinations of the messages are outside or inside the information signal device by exchanging the messages with the event manager in a one-to-one communication.

The *Mano et al.* reference relates to a GUI interface simulating signal flow between devices on a network (col. 2, line 50 – col. 3, line 31). In *Mano*, task data sent between devices on a serial bus network is graphically represented via GUI to allow user to monitor the task data and to enter control commands respective to the task data.

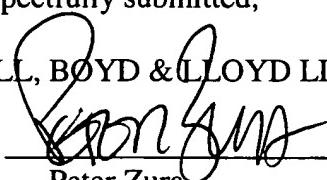
In contrast, the present invention claims messages from the signal device being sent to a specified destination on the network are transmitted through the network messenger, where messages that have unspecified destination are transmitted via a separate information broadcasting device. *Mano* is completely silent as to this feature, as *Mano* shows that messages from a particular device is communicated to another device which is a known or specified destination (col. 5, lines 7-16 – the device has to be specified before any communication may occur). For at least this reason, claim 1, and claims 2-6 which depend therefrom, are allowable over *Mano et al.*.

In light of the above, Applicants respectfully submit that independent claim 1, as well as claims 2-6 which depend therefrom, are in condition for allowance, which is respectfully requested.

Respectfully submitted,

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Dated: April 30, 2004